

PATENT -- AMENDMENT AFTER FINAL
Response Under 37 CFR 1.116--Expedited
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Remarks

In the Final Office Action mailed May 28, 2008, the Examiner: (i) objected to claims 5 and 21-23; (ii) rejected claim 23 under 35 U.S.C. 112; (iii) rejected claims 1-3, 5-8, 10-12 and 15-19 under 35 U.S.C. 102(e) as anticipated by Bhogi (US 2004/0088413 A1); (iv) rejected claim 13 under 35 U.S.C. 103(a) as unpatentable over Bhogi (US 2004/0088413 A1) and in view of Mousseau et al. (US 2004/0078495 A1); and (v) rejected claim 14 under 35 U.S.C. 103(a) as unpatentable over Bhogi in view of Chong et al (US 2004/0064552).

In this Response, Applicant has amended claims 1, 5, 7, 15, 18, and 22-23; canceled claim 21; and added new claims 24-25. Claims 1-3, 5-8, 10-19, and 22-25 will be pending after entry of this Amendment.

I. Claim Objections

The Examiner objected to claim 5 for being of improper dependent form. Applicant has amended claim 5 to depend on claim 1, thereby obviating this objection.

The Examiner also objected to claims 21-23. Applicant has amended this claim as suggested.

II. Rejections under Section 112

The Examiner rejected claim 23 as failing to comply with the written description requirement, as failing to provide support for “destroying idle connections if the current connection pool size is less than the specified maximum number of connections associated with the current time of day.” The Examiner also suggested a correction.

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Applicant has amended this claim as suggested, thereby obviating this rejection.

III. Rejections under Sections 102 and 103

A reference can only anticipate a claimed invention if that reference teaches each and every element of the claim. *MPEP* § 2131. Similarly, a combination of references can only obviate an invention if the suggested combination teaches or suggests all of the claimed limitations. *MPEP* § 2142. Put another way, if none of the references teach or suggest a particular limitation, then no combination of those references can anticipate or obviate the claimed inventions.

A. Claim 1 (previously 21)

1. Bhogi

The Examiner rejected Claim 1 (previously 21) as obvious in view of U.S. Patent Publication 2004/0088413 to Bhogi et al (“Bhogi”) in view of U.S. Patent No. 2004/088413 to Yamada. Applicant respectfully traverses.

Applicant respectfully asserts that Bhogi fails to teach “generating heuristic override information, wherein the heuristic override information comprises a heuristic override setting and a time period associated with the heuristic override setting” and then “if the current time is within the time period for the heuristic override information, modifying the connection pool in accordance with the heuristic override setting.” More specifically, as explained in Applicant’s Summary section, the claimed inventions are directed at extension to the connection pooling architecture to apply heuristic data to ensure that the connection pool contains the required number of connections for a given time period. This can improve the performance for applications that use connection

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pooling architectures, such as Java Database Connectivity ("JDBC") and Java 2 Connector ("J2C") connections; by attempting to predict when increased connections will be necessary, the pool can populate itself with new connections during periods of lower workload instead of consuming system resources after the workload has begun to increase.

Bhogi, in contrast, is directed at a much different problem, namely that when an administrator wants to change the configuration of a connection pool, they must destroy the pool. *Bhogi, ¶ [0008]*. As Bhogi explains:

Changing the configuration of the connection pool (e.g. to change the pool size or other parameters) may require destroying the pool and reinitializing it with new parameters. This procedure may also entail rebooting the computer on which the connection pool resides. Therefore, reconfiguring a connection pool may require the destruction of all connections within the pool at a minimum. For complex systems with a large number of clients, there may be no time at which one or more connections are not in use. Reconfiguring the connection pool may disrupt service to any clients that are currently using connections. This disruption of client services may be of significant duration, particularly if a reboot of the application server is required.

Id. Bhogi then goes on to describe a 'dynamically configurable' (i.e., changeable without having to reboot) resource pool. As a result of this focus, however, Bhogi never addresses the key point of the present invention, namely generating and/or applying heuristic override information to ensure that the connection pool contains the required number of connections for a given time period. Put more simply, Bhogi may be a component used by the present invention, but does not anticipate it.

The Examiner appears to recognize this distinction, but argues that maximum wait time in queue, connection reclaim time, and maximum connection time could 'broadly' be interpreted as the claimed time period. *Office Action mailed 5/28/08 at pg. 12.* In

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response, Applicant has amended the elements of claim 21 into claim 1 to more clearly define the distinction between the claimed “heuristic override setting” and the claimed “time period.”

2. *Yamada*

Yamada also fails to teach or suggest these elements. Instead, Yamada is directed at a telephone switch for a call center. *Yamada, col. 1, lines 1-5.* To avoid unnecessary hold times, Yamada can direct incoming calls to a plurality of different numbers based on each terminal’s free/busy status. *E.g., Id. at col. 2, lines 20-30 and 35-45.* Yamada also allows administrators to set a “maximum number of connections which can be made within a predetermined time period” to each terminal and can compare this value to the “number of actual connections.” *E.g., col. 9, lines 23-37.* Finally, Yamada allows the administrators to vary the maximum number of connections variable by time and day. *Col. 12, lines 12-24.*

Applicant respectfully submits that Yamada also fails to teach or suggest anything about connection pool management, much less the claimed “if the current time is within the time period for the heuristic override information, modifying the connection pool in accordance with the heuristic override setting.” Instead, Yamada merely discloses a load balancer for incoming telephone calls. It is thus completely silent about the class of resource contention problem addressed by the present invention. Moreover, because Yamada is directed at a completely different kind of contention problem than that addressed by the present invention, and Applicant respectfully submits there would be no motivation to make the proposed combination.

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B. Claims 7, 15, and 18

Applicant has amended these claims to contain language similar to that discussed above. Accordingly, Applicant respectfully asserts that the combination of Bhogi and Yamada also fails to obviate these claims.

C. Claims 2-3, 5-6, 8, 10-12, 14, 16-17, and 19

The claims are dependent on claim 1, 7, 15, or 18. Accordingly, Applicant submits they are not obviated by Bhogi in view of Yamada for the reasons previously discussed.

D. Claims 13, 14, and 22-23

In Section III(A), Applicant identified a number of elements not taught or suggested by Bhogi and Yamada. Mousseau also fails to teach or suggest these elements. Instead, Mousseau is directed at a J2EE connector architecture and is silent about the details of connection pool management.

Chong also fails to teach or suggest these elements. Instead, Chong is directed at performance management and is silent about the details of connection pool management.

V. Conclusion

It is believed that the present application is in condition for allowance and a prompt and favorable allowance of all claims is respectfully requested. If the Examiner, upon considering this amendment, thinks that a telephone interview would be helpful in

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expediting allowance of the present application, he/she is respectfully urged to call the
Applicant's attorney at the number listed below.

Respectfully submitted,

By: 
Grant A. Johnson
Registration No.: 42,696

Telephone: (507) 253-4660
Fax No.: (507) 253-2382